

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
November 3, 2009

The City Council convened in Regular Session on Tuesday, November 3, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Larry Muench presiding, and Members of the Council present as follows: Dave Beckering, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: Erv Ermeling. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.
File #47000

A motion was made by DAVE BECKERING to excuse the absence of Councilmember Erv Ermeling. MICHAEL WELLER seconded the motion. All voted in favor, motion passed.

PUBLIC HEARINGS

The President of the Council Larry Muench announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. CU-26-09. (James J. Wetter) An application for a Conditional Use Permit from §156.040(C) within the FHCD Frenchtown Historic Commercial District for an auto repair and detailing business, specifically to expand an existing automotive detailing business at 1801 North Second Street. The subject property is 0.24 acres and is located in Ward 1. ***(RCA Attached)***
- B. Case No. Z-15-09. (Arch Motel Corp. – Jagdish C. Patel) An application to rezone a tract of land from the C-2 General Business District to the C-3 Highway Business District. The 2.0 acre parcel is known as 3717 Veterans Memorial Parkway and is located in Ward 6. ***(Withdrawn by Applicant)***
- C. Case No. CU-35-09. (Jagdish C. Patel) An application for a Conditional Use Permit from §156.034(C)(1)(g) and Site Plan within the C-3 Highway Business District for a boat and trailer storage facility at 3717 Veterans Memorial Parkway. The applicant has previously submitted a rezoning request for the subject property from C-2 General Business District to C-3 Highway Business District. The subject property is 2.00 acres and is located in Ward 6. ***(Withdrawn by Applicant)***
- D. Case No. CU-34-09. (Kronik LLC – Michael C. Heuschouer). An application for a Conditional Use Permit requesting approval to open an alcohol serving establishment (Kronik Chill) in the T-5 District within New Town at 3301 #1 Rue Royale. The existing kiosk location is one-hundred ninety-two (192) square feet in size and is located in Ward 8. ***(RCA Attached)***
- E. Case No. CU-36-09. (Mid-Coast Performance) An application for a Conditional Use Permit from §156.035(C)(1)(a) within the I-1 Light Industrial District for an automotive repair, service and tuning business at 531 Little Hills Industrial Boulevard (a.k.a. 531B Little Hills Ind. Blvd). The subject property is 0.38 acres and is located in Ward 1. ***(RCA Attached)***

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- F. Case No. CU-37-09. (Franchise It, Inc. – George Loveless). An application for a Conditional Use Permit requesting approval to open an alcohol serving establishment (Lush Wine & Spirits) in the T-5 District within New Town at 3212-1 Rue Royale, specifically to open a package liquor, wine, beer, cigarettes and cigar store. The subject property is 0.04 acres and is located in Ward 8.
(RCA Attached)
- G. Case No. CU-38-09. (Donna Reed) An application for a Conditional Use Permit from §156.033(C)(1)(g) for Secondhand Sales within the C-2 General Business District, specifically to operate a consignment and retail sales store at 1197 Duchesne Drive. The subject property is 0.35 acres and is located in Ward 9.
(RCA Attached)

A motion was made by BOB KNEEMILLER to advance Public Comment on the agenda. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Resolution Selecting a Preferred Developer for the Proposed Riverwalk Development
Robert E. Wyhs, 40 Woodlawn, stated that he is neutral as to the Development; however, appeared to voice concern as to the ownership of the land on Bangert Island stating that he owned a portion of the property.

Mickie Ball, 554 Malinmor Drive, spoke in favor of the Resolution.

Pat Montgomery, 1416 S. Main, spoke in favor of the Resolution.

Blaine Henkel, 2604 Ruth Ave, spoke in favor of the development of the riverfront; and spoke in opposition to selecting Mike Sellenschuetter as the preferred developer.

Patty Ferguson, 38 Lake Top Ct., spoke in favor of the development of the riverfront; and spoke in opposition to selecting Mike Sellenschuetter as the preferred developer.

Robert Kelly, 136 Woodlands Place Ct., spoke in favor of the development of the riverfront; and spoke in opposition to selecting Mike Sellenschuetter as the preferred developer.

Tom Kobylarek, 133 Woodlands Place Ct., spoke in opposition to the Resolution.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Joe Kloeppe, 2905 Concordia, requested an update on the status of the Community Center Project.

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RESOLUTIONS/AWARDS/PROCLAMATIONS

A Resolution Selecting Riverwalk Development LLC as the Preferred Developer to Undertake Redevelopment of Approximately 30 Underutilized Parcels Located Directly on or Near the Missouri River in an Area Generally Described as Bounded by South Main Street on the West, South River Road on the South, the Blanchette Memorial Bridge on the North and the Missouri River on the East (*Sponsor Laurie Feldman*)

Passed "Aye": Muench, Reese, Stivison, Veit, Weller, Beckering, Feldman, Klinghammer and Kneemiller

"Nay": None

Absent: Ermeling

Approved by the Honorable Mayor on November 10, 2009, and is known as Resolution **R09-26**.

BILLS FOR FINAL PASSAGE

Bill 10036 (*Held*)

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District) a 0.65 Acre Parcel of Land, a Missouri Department of Transportation (MODOT) Remnant from the Boone's Lick Road Realignment Now a Part of 2300 First Capitol Drive (*Sponsor: Larry Muench*)

Council Bill 10036 was held by Sponsor Larry Muench.

Bill 10047

An Ordinance Authorizing a Development NID Interim Finance Agreement with St. Charles - Noah Development LLC; Authorizing and Directing the Execution and Delivery Thereof; and Providing Further Authority in Connection Therewith (*Sponsors. Bob Kneemiller and Laurie Feldman*)

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 10047 by deleting the current Interim Finance Agreement and inserting a new version dated November 3, 2009. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Beckering, Klinghammer, and Muench. "Nay": Reese, Stivison, Veit, Weller, Feldman, and Kneemiller. Absent: Ermeling. Motion Failed. Discussion was held relative to Council Bill 10047. A roll call vote was taken on passage of Council Bill 10047, with the following results:

Passed "Aye": Stivison, Veit, Weller, Feldman, Klinghammer, Kneemiller, and Reese

"Nay": Beckering and Muench

Absent: Ermeling

Vetoed by the Honorable Mayor on November 11, 2009.

Bill 10051

An Ordinance Authorizing Amendment No. 4 to the Contract with Information Technologies, Inc. (ITI) for the Lease of Police Computer Aided Dispatch (CAD) and Records Management Systems (RMS) for the Police Department in an Amount of \$100,381.00, for a Total Amount Not to Exceed \$537,831.51 (*Sponsor: Larry Muench*)

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Passed "Aye": Veit, Weller, Beckering, Feldman, Klinghammer, Kneemiller, Muench,
Reese, and Stivison

"Nay": None

Absent: Ermeling

Approved by the Honorable Mayor on November 6, 2009. and is known as **Ordinance 09-204**

BILLS FOR INTRODUCTION

The following Council Bills were introduced.

Bill 10052

An Ordinance Authorizing a Right-of-Way Encroachment License Agreement with Muddy Waters on Main Street for the Construction, Operation and Maintenance of a Sidewalk Café Located at 143 North Main Street (*Sponsor: Richard Veit*)

Bill 10053

An Ordinance Authorizing the Mayor and City Clerk to Execute and File the Consolidated Plan Action Plan 2010 with the U.S. Department of Housing and Urban Development for a Community Development Block Grant (Fiscal Year 2010) (*Sponsor: Larry Muench*)

Bill 10054

An Ordinance Authorizing Amendment No. 2 to the Contract with the St. Louis Post Dispatch d/b/a St. Louis Advertising Network for Publication Services for the City of St. Charles in an Amount of \$31,500.00, for a Total Amount Not to Exceed \$131,400.00 (*Sponsor: Larry Muench*)

Bill 10055

An Ordinance Authorizing the City to Enter into a Lease Agreement With Investments Unlimited Development Corporation for the Lease of Office Space for the Fire Department in a Total Amount Not to exceed \$29,008.72 (*Sponsor: Larry Muench*)

Bill 10056

An Ordinance Authorizing Renewal of a Contract with Group Health Plan (GHP) to Provide a Self-Funded Medical Insurance and Prescription Drug Program to the Mayor, Council, All Full-Time Employees and Their Eligible Dependents, Retirees and Eligible Spouses for Plan Year 2010 (from February 1, 2010 Through January 31, 2011) in an Amount Not to Exceed \$593,572.00 (*Sponsor: Larry Muench*)

Councilmember Dave Beckering requested that Council Bill 10056 be held until the discussions relative to the 2010 Budget are conducted. Sponsor Larry Muench agreed to hold Council Bill 10056 pending budget discussions.

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Bill 10057

An Ordinance Amending Chapter 33 of the Code of Ordinances of the City of St. Charles by Creating a New Subchapter to be known as the Strategic Plan Implementation Committee; Consisting of Three New Sections to wit: Sections 33.240, 33.241 and 33.242; to Establish the Committee; State its Purpose and Objectives; and Provide for its Members, their Terms and Meetings (*Sponsors All Members of the City Council*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Recommendation of the Technology Committee Relative to Selection of the Vendor for Project Enterprise

A motion was made by MICHAEL WELLER that Administration be authorized to negotiate a contract with New World Systems for the city-wide ERP software for all modules proposed except the GBA Masters Series and Life Support Vehicle (LSV) billings; and that Administration move forward with securing the application known as Wennsoft for the Public Works Department and its operations. RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results: "Aye": Weller, Beckering, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit. "Nay": None. Absent: Ermeling. Motion passed.

File #47244

CONSENT AGENDA

A motion was made by JERRY REESE to receive and approve the Consent Agenda. DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Beckering, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller. "Nay": None. Absent: Ermeling. Motion passed.

- A. Approval of Council Minutes
 - 1. Special Council Meeting of October 9, 2009
 - 2. Regular Council Meeting of October 13, 2009
 - 3. Public Hearing of October 13, 2009

File #47245

- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Street Committee Meeting of October 20, 2009
 - b. Council Work Session of October 20, 2009
 - c. Council Work Session of October 27, 2009

File #47026

File #47016

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- 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Street Committee Meeting of October 20, 2009
 - i. Motion to Accept Staff's Recommendation to Prohibit Parking on the East Side of South Seventh Street from the Southern Curb Line of First Capitol Drive South 80 Feet
 - b. Council Work Session of October 20, 2009
 - i. Motion to Send Brett Duncan and Harry Fry to the LAGERS Annual Meeting October 29-30, 2009
 - ii. Motion to Proceed with the NLC Prescription Drug Card Program
 - c. Council Work Session of October 27, 2009 *(None)*

- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. Senior Citizen Advisory Commission Meeting of August 18, 2009
 - a. Motion to Obtain New Shirts in the Color Yellow

File #47061
 - 2. Planning and Zoning Commission Meeting of September 28, 2009

File #47058
 - 3. Oktoberfest Committee Meeting of September 8, 2009
 - a. Motion to Pay the Following Invoices:
 - i. ½ Barrel to Tapping - \$456.00
 - ii. Tally Counters and Miscellaneous Postage - \$106.12
 - iii. Annual Renewal of Web Site - \$258.75
 - iv. German Cultural Dancers Donation - \$200.00
 - v. McVictor the Trickster (Magician) - \$600.00
 - vi. Moon Dog Inflatables - \$1,015.00
 - vii. Trash Bags - \$305.56
 - viii. Committee Shirts and Distribution - \$1,362.00
 - ix. Sound for Both Stages - \$6,525.00

File #47112

- D. Receipt of Reports of the Director of Administration
None

- E. Approval of Contracts and Easements from \$30,001 - \$99,999
 - 1. Contract with South Main Preservation Society for Sponsorship of Christmas Traditions in the Amount of \$57,500.00

File #47246
 - 2. Contract Amendment No. 2 with Keystone Staffing to Retain Human Resources Generalist through January 30, 2010 in the amount of \$7,920.00

File #47247

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F. Preliminary Plats
None

G. Miscellaneous
None

TABLED BILLS/PUBLIC HEARINGS

Bill 10013

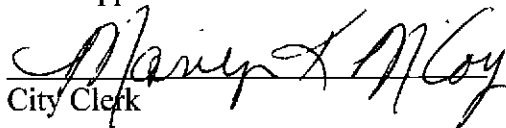
An Ordinance Amending Chapter 113 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Sections 113.02, 113.03, 113.15, 113.19, 113.30, 113.35 and 113.40 to Reduce the License Tax for Electricity, Gas and Telephone; Eliminate the Refund of License Fees to Elderly Residents; and Provide Effective Dates Thereof.

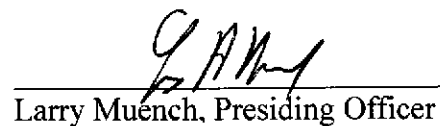
(Sponsors: Dave Beckering and Richard Veit)) (Tabled at the September 1, 2009, Regular Council Meeting)

There was no action taken on Council Bill 10013

The Regular Council Meeting was adjourned at 7:50 p.m.

November 17, 2009
Date Approved


City Clerk


Larry Muench, Presiding Officer